

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M. B. WILLIAMS, Minor.

UNPUBLISHED
March 27, 2014

No. 316554
Wayne Circuit Court
Family Division
LC No. 03-421897-NA

In the Matter of M. B. WILLIAMS, Minor.

No. 316673
Wayne Circuit Court
Family Division
LC No. 03-421897-NA

Before: METER, P.J., and JANSEN and WILDER, JJ.

PER CURIAM.

In Docket No. 316554, respondent-father appeals by right the circuit court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g), (h), and (j). In Docket No. 316673, respondent-mother appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm in both appeals.

I. DOCKET NO. 316554

Respondent-father does not argue that petitioner failed to prove the statutory grounds for termination by clear and convincing evidence.¹ Instead, he argues only that the circuit court

¹ It appears that the circuit court erred by determining that the statutory grounds set forth in §§ 19b(3)(g) and (h) were proven by clear and convincing evidence with respect to respondent-father. See *In re Mason*, 486 Mich 142, 160-161, 164-165; 782 NW2d 747 (2010). Any error in this regard was harmless, however, because only one statutory ground need be proven to support the termination of a respondent's parental rights. *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). Because respondent-father has not raised the issue or offered any argument on

clearly erred by finding that termination of his parental rights was in the child's best interests. We disagree.

The record established that there was no bond between the minor child and respondent-father. Although respondent-father had the opportunity to remain in contact with the child via correspondence during his incarceration, he did not do so. Moreover, respondent-father's plans concerning his living arrangements and source of income after his release from prison were tentative at best. Respondent-father's family members had already changed their minds at least once about allowing the child to live with them; other relatives had been less than supportive of respondent-father's parenting efforts as well. Lastly, there was no indication that respondent-father would actually be released from prison on his earliest release date. Respondent-father had been sentenced to a term of 5 to 10 years in prison for assault with intent to do great bodily harm less than murder, and the circuit court had no way of knowing when, or if, respondent-father would be paroled by the department of corrections.

The evidence showed that the minor child had spent more than two years in the same foster home and was well-bonded with her foster family. The child was in need of a loving home and the permanency that respondent-father could not offer. We perceive no clear error in the circuit court's finding that termination of respondent-father's parental rights was in the child's best interests. See MCL 712A.19b(5); see also MCR 3.977(K).

II. DOCKET NO. 316673

Respondent-mother does not argue that petitioner failed to prove the statutory grounds for termination in this case.² Instead, respondent-mother argues that petitioner failed to provide her with adequate reunification services before seeking to terminate her parental rights. She also suggests, albeit in very cursory fashion, that termination of her parental rights was not in the child's best interests. We disagree.

MCL 712A.19a(2) generally requires petitioner to make "[r]easonable efforts to reunify the child and family" Petitioner provided respondent-mother with a treatment plan. The plan included a psychological and psychiatric examination, substance-abuse and individual therapy, drug testing, arrangements for obtaining suitable housing and a legal source of income, and visitation. Petitioner gave respondent-mother multiple referrals for the psychological and psychiatric examinations, therapy, and drug testing. Petitioner was also helping respondent-mother pay her electric bill. However, respondent mother failed to take advantage of most of these services until three months before the termination hearing. We conclude that petitioner provided respondent-mother with adequate services.

appeal, we decline to further address the circuit court's findings with respect to the statutory grounds for termination. See *FMB-First Mich Bank v Bailey*, 232 Mich App 711, 717; 591 NW2d 676 (1998).

² As with respondent-father, because respondent-mother has not raised the issue on appeal, we decline to address the circuit court's findings with respect to the statutory grounds for termination. See *FMB-First Mich Bank*, 232 Mich App at 717.

Even assuming *arguendo* that these services were not adequate, aggravating circumstances existed in this case. See MCL 712A.19a(2); *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). MCL 712A.19a(2)(c) lists involuntary termination of the parent's parental rights to the child's sibling as an aggravating circumstance. The circuit court had already involuntarily terminated respondent-mother's parental rights to her two other children. Therefore, petitioner had no obligation to provide respondent-mother with reunification services. *Id.*

Nor did the circuit court clearly err by finding that termination of respondent-mother's parental rights was in the minor child's best interests. Although respondent-mother had a bond with the minor child, the child was well-bonded with her foster parents, with whom she had lived for half of her life. Furthermore, even if the foster care worker assigned to the case was inexperienced when she opined that termination of respondent-mother's parental rights would be in the child's best interests, her opinion was substantiated by respondent-mother's lack of substantial progress over the two-year period during which petitioner offered her services. It is not sufficient for a parent to merely participate in the services offered; he or she must benefit from those services. *In re Gazella*, 264 Mich App 668, 677; 692 NW2d 708 (2005). Respondent mother's compliance was inconsistent and her most recent efforts were likely short-lived. The court had previously terminated her parental rights to two of her other children. She was completely noncompliant with the case service plan for at least a year and a half. Finally, she was arrested on the second day of the termination hearing because she had violated her parole. In sum, we cannot conclude that the circuit court clearly erred when it found that termination of respondent-mother's parental rights was in the child's best interests. See MCL 712A.19b(5); see also MCR 3.977(K).

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Kurtis T. Wilder